

***ATTACHMENT 5 – AUGUST 1, 2005 USCG MESSAGE 398/05 TO ALL USCG UNITS FROM THE  
COMMANDANT***

341255

DuPont, David A./COMDT

UNCLAS

USCG-2005-21610-5

R 011910Z AUG 05 ZUI ASN-A00213000013  
FM COMDT COGARD WASHINGTON DC//G-M//  
TO ALCOAST

BT

UNCLAS //N16600//

ALCOAST 398/05

COMDTNOTE 16600

SUBJ: INTERIM GUIDANCE FOR THE ENFORCEMENT OF NONTANK VESSEL  
RESPONSE PLANS

A. SECTION 701 OF THE COAST GUARD AND MARINE TRANSPORTATION ACT OF  
2004 (PUB. L. 108-293)

B. NVIC 01-05

C. 70 FR 36649-36650

1. PURPOSE: TO CLARIFY THE COAST GUARDS ENFORCEMENT OF REQUIREMENTS  
FOR NONTANK VESSEL RESPONSE PLANS (NTVRP) CONTAINED IN REF A.

2. BACKGROUND:

A. REF A REQUIRES OWNERS/OPERATORS OF NONTANK VESSELS TO PREPARE  
AND SUBMIT NTVRPS TO THE COAST GUARD BY 09 AUG 05.

B. REF A MANDATES THAT THE COAST GUARD ISSUE REGULATIONS THAT  
REGULATE THE CONTENT AND SUBMISSION OF NTVRPS.

C. REF B PROVIDES INTERIM GUIDANCE FOR INDUSTRY MEMBERS THAT  
VOLUNTARILY PREPARE AND SUBMIT NTVRPS BEFORE THE COAST GUARD  
PUBLISHES FINAL REGULATIONS.

D. RECOGNIZING THAT THE LENGTH OF TIME REQUIRED TO RECEIVE AND  
ADDRESS PUBLIC COMMENTS WOULD PRECLUDE THE PUBLICATION OF NTVRP  
REGULATIONS BY 09 AUG 05, COMDT PUBLISHED REF C ON 24 JUN 05,  
ANNOUNCING THAT THE COAST GUARD WOULD NOT ENFORCE REF A UNTIL  
REGULATIONS ARE ISSUED AND IN EFFECT.

3. COAST GUARD IMPLEMENTATION:

A. UNTIL REGULATIONS ARE ISSUED AND IN EFFECT, SECTORS AND MARINE  
SAFETY OFFICES ARE NOT TO INITIATE PENALTY ACTION FOR FAILURE TO  
COMPLY WITH REF A OR THE GUIDANCE OF REF B.

B. THE OFFICE OF RESPONSE (G-MOR) WILL CONTINUE TO ISSUE INTERIM  
OPERATING AUTHORIZATION IAW REF B. THIS AUTHORIZATION WILL ALLOW  
VESSELS TO USE NTVRPS APPROVED UNDER REF B FOR TWO YEARS FROM THE  
DATE SUBMITTED TO THE COAST GUARD.

C. THE COAST GUARD ENVISIONS THAT THE FINAL NTVRP REGULATIONS WILL  
ADDRESS ENFORCEMENT OF NTVRPS FOR VESSELS PREVIOUSLY GRANTED  
INTERIM OPERATING AUTHORIZATION IAW REF B. IT IS ANTICIPATED THAT  
UPON EFFECTIVE DATE OF THE REGULATIONS, VESSELS PREVIOUSLY GRANTED  
INTERIM OPERATING AUTHORIZATION WILL BE REQUIRED TO FOLLOW THE  
CONDITIONS OF REF B UNTIL EXPIRATION OF THE TWO YEAR PERIOD, AT  
WHICH TIME THESE VESSELS WILL BE REQUIRED TO MEET ALL APPLICABLE  
REGULATION REQUIREMENTS.

D. SECTORS AND MARINE SAFETY OFFICES ARE ENCOURAGED TO PARTICIPATE  
IN ACTIVE DIALOGUE WITH AFFECTED INDUSTRY MEMBERS ABOUT NTVRP  
LEGISLATION AND PROPOSED REGULATIONS DURING NORMAL FIELD  
OPERATIONS. G-MOR IS DEVELOPING A STANDARD FORM LETTER TO ASSIST

R 011910Z AUG 05 COMDT COGARD WASHINGTON DC//G-M//

Page 1 of 2

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CAPTAINS OF THE PORT IN COMMUNICATING REQUIREMENTS OF THE LAW AND TO ENCOURAGE BUT NOT REQUIRE INDUSTRYS COMPLIANCE WITH NVIC 01-05. THE FORM LETTER WILL SOON BE AVAILABLE ON THE WEB:

WWW.USCG.MIL/HQ/G-M/MOR/INDEX.HTM

4. FOR QUESTIONS ABOUT THE DEVELOPMENT OF NTVRPS CONTACT LT ERIC A. BAUER, G-MOR-2, (202) 267-0417, EBAUER(AT)COMDT.USCG.MIL OR MST2 SARAH CALDWELL, G-MOR-2, (202) 267-6714, SCALDWELL(AT)COMDT.USCG.MIL.

5. INTERNET RELEASE IS AUTHORIZED.

6. RADM T.H. GILMOUR, ASSISTANT COMMANDANT FOR MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION, SENDS.

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